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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,238	01/30/2006	Yukihiro Orimoto	107348-00493	4979
4372	7590	09/10/2008		
ARENT FOX LLP 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			EXAMINER FLEMING, FAYE M	
			ART UNIT	PAPER NUMBER
			3616	
			NOTIFICATION DATE	DELIVERY MODE
			09/10/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com  
IPMatters@arentfox.com  
Patent\_Mail@arentfox.com

### Office Action Summary

**Application No.**

10/541,238

**Applicant(s)**

ORIMOTO ET AL.

**Examiner**

Faye M. Fleming

**Art Unit**

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 4-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Rumpel (4,456,282).

Rumpel discloses a vehicular suspension system in which the lower end of a coil spring 31 is supported on a suspension arm 20 that vertically movably supports a knuckle 28 and the upper end of the coil spring 31 is supported on a vehicle body 10, the lower end of the coil spring 31 is lower than a support part 40 where the suspension arm 20 is supported on the vehicle body 10, and the lower end of the coil spring 31 is on the laterally inner side of the vehicle relative to the upper end of the coil spring 31. A vehicular suspension system in which the lower end of a coil spring 31 is supported on a suspension arm 22 that vertically movably supports a knuckle 28 and the upper end of the coil spring is supported on a vehicle body 10, the angle formed by a spring seat 74 supporting the upper end of the coil spring 31 and a spring seat 30 supporting the lower end of the coil spring 31 at a time of maximum rebound of a wheel 12 supported by the knuckle 28 is equal to or less than the angle formed by the spring seat 74 supporting the upper end of the coil spring 31 and the spring seat 30 supporting the lower end of the coil spring 31 at a time of maximum bump. A straight line running through the centers of the two spring seats 30, 74 is orthogonal to the two spring seats. Rumpel teaches a shock absorber 26 having a lower end disposed coaxially with the coil spring.

3. Claims 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Lambert (0505282).

Lambert discloses vehicular suspension system comprising a suspension arm 1 that vertically movably supports a knuckle 3 and a coil spring 4 having opposite ends supported in a lower spring seat (not shown) on the suspension arm and in an upper spring seat 10 on a vehicle body wherein the coil spring has a middle body section that is curved along an axis between centers of the lower spring seat and upper spring seat when no load other than the vehicle body weight is applied to the spring, see figure 1. With respect to claim 6, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight. A straight line running through centers of the upper and lower spring seats is orthogonal relative to the upper and lower spring seats during the time of maximum rebound.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rumpel (4,456,282) in view of Satou, et al. (5,702,102).

Rumpel discloses the claimed invention except for the knuckle rotating rearward when the rear wheel rebounds. Satou discloses the rear suspension of a vehicle wherein a knuckle

rotates rearward when the wheel rebounds (col. 7, lines 6-27). Based on teachings of Satou, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Rumpel to have the knuckle rotate rearward to provide an improved suspension.

### ***Response to Arguments***

6. Applicant's arguments filed May 19, 2008 have been fully considered but they are not persuasive. In response to applicant's arguments that the lower end of the coil spring 31 on the suspension arm 22 is not lower than the support part 36, the examiner notes the coil spring 31 on the suspension arm 22 is lower than the *support part 40* as described above, therefore the lower end of the coil spring is lower than a support part 40 where the suspension arm is supported on the vehicle body when no load other than the vehicle body weight is applied to the coil spring. Further, the prior art clearly teaches the claimed structure of the present invention.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye M. Fleming whose telephone number is (571) 272-6672. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Faye M. Fleming/  
Primary Examiner, Art Unit 3616